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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,540	02/21/2002	Wolfgang Mehnert	740116-361	3074
22204	7590	11/03/2003	EXAMINER	
NIXON PEABODY, LLP 8180 GREENSBORO DRIVE SUITE 800 MCLEAN, VA 22102			DONOVAN, LINCOLN D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/078,540	MEHNERT ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Donovan Lincoln	2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) 7-16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

Claims 17-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election/Amendment was made **without** traverse in Paper No. 9.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, applicant should clarify what is meant by the "cap having been stamped onto the outside surface of the proximity switch."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartosz et al. [US 5,573,411] in view of DE19528678 and Wright et al. [US 4,614,398].

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Regarding claims 1-2 are Bartosz et al. disclose an electrical unit [1] for use with a proximity switch [column 1, lines 10-15].

Bartosz et al. disclose the instant claimed invention except for the specific housing and terminal connection design for the proximity switch and an outer casing surrounding the housing and terminal connection assembly.

DE19528678 discloses a cable electrical unit [1] including a cable terminal part [figure 1] having socket type terminals for receiving the cable mounted with an insulating connecting piece [7] and a housing part [2] for the component to be connected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the terminal/housing design of DE19528678 with the electrical unit of Bartosz et al. for the purpose of facilitating connection of the cable to the component to be connected.

Wright et al. disclose a cable connection using an outer shell [32] surrounding a housing part and connecting piece using a catch type connection [figure 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the outer casing design of Wright et al. with the electrical unit of Bartosz et al., for the purpose of securing the cable with the connection point.

Regarding claim 4, Wright et al. further disclose an end of the outer casing facing away from the switch having a smaller diameter than a portion of the casing facing the proximity switch [figure 2].

Regarding claim 5, Wright et al. further disclose the casing having a portion compressing the cable connection [figure 2].

Regarding claim 6, Bartosz et al. disclose the outer housing including a viewing hole for an led [figure 2].

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartosz et al., as modified, as applied to claim1 above, and further in view of Hill [US 3,990,765].

Bartosz et al. disclose the instant claimed invention except for the casing being tapered.

Hill discloses a cable connector assembly having a tapered outer casing [31, figure 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the casing design of Hill for the casing of Bartosz et al., as modified, for the purpose of providing better engagement between the cable and connection assembly.

Allowable Subject Matter

Claims 7-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kroll [US 5,062,810] and Wright [US 6,250,963].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donovan Lincoln whose telephone number is 703 308-3111. The examiner can normally be reached on M-F 8:30-5:00.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

lhd
10/26/03

[Handwritten signature]
LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2109